

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-248-BR
No. 5:16-CV-232-BR

AMOS DAMAS, JR.,

v.

ORDER

UNITED STATES OF AMERICA

This matter is before the court on petitioner's unopposed motion to lift the stay, to vacate his conviction on Count 2; and to schedule resentencing on Count 1, in light of the decision in United States v. Davis, 139 S. Ct. 2319 (U.S. 2019). (DE # 55.) The instant motion and petitioner's motion pursuant to 28 U.S.C. § 2255, (DE # 42), are ALLOWED. The judgment entered 6 May 2015 and petitioner's conviction on Count 2 are VACATED. Resentencing on Count 1 is set for 21 August 2019. The U.S. Probation Office is directed to file a memorandum setting forth any revisions to the Presentence Report, (DE # 32).

This 25 July 2019.



W. Earl Britt
Senior U.S. District Judge